

FILED

NOV 1 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

 **ORIGINAL**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES TROY WALKER,)
)
Plaintiff(s),)
)
v.)
)
PACIFIC MARITIME ASSOC., et)
al.,)
)
Defendant(s).)
)

No. C07-3100 BZ

**ORDER DENYING MOTION FOR
RECONSIDERATION**

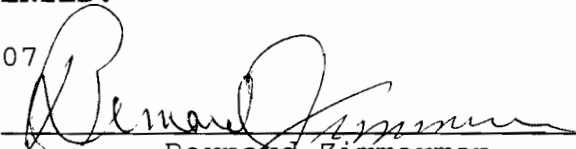
On September 24, 2007 this Court granted defendants' motions to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6). On October 10, 2007 plaintiff filed a motion for reconsideration and relief from order.

Civil Local Rule 7-9(a) for the Northern District of California, provides that no party may notice a motion for reconsideration without first obtaining leave of the Court to file the motion. Plaintiff did not request such leave of the Court. Additionally, Civil Local Rule 7-9(b) requires that the moving party on a motion for reconsideration show: 1) a material difference in fact or law exists from that which was presented to the Court; 2) the emergence of new material facts

1 or a change of law; or 3) a manifest failure by the Court to
2 consider material facts for dispositive legal arguments which
3 were presented to the Court. Plaintiff has not met his burden
4 for reconsideration.

5 As such, plaintiff's motion for reconsideration and
6 relief from order is **DENIED**.

7 Dated: October 31, 2007

8 
9 Bernard Zimmerman
United States Magistrate Judge

10 G:\BZALL\BZCASES\Walker v. Pac. Maritime\Order denying motion for
11 reconsideration.wpd
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JAMES TROY WALKER,
Plaintiff,

Case Number: CV07-03100 BZ

CERTIFICATE OF SERVICE

v.

PACIFIC MARITIME ASSOCIATION et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 1, 2007, I SERVED a true and correct copy(ies) of the attached **ORDER DENYING MOTION FOR RECONSIDERATION**, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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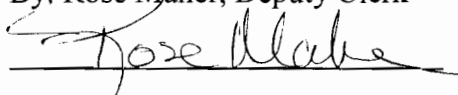
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Dated: November 1, 2007

Richard W. Wieking, Clerk
By: Rose Maher, Deputy Clerk

A handwritten signature in black ink, appearing to read "Rose Maher", is written over a horizontal line.